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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN M. VERBIL ET AL.

Group Art Unit: 2614

Examiner: Rasha S. Al-Aubaidi

Serial No.: 09/874,152

Filed: June 4, 2001

For: AIN CALL QUEUING

Attorney Docket No.: 1847 (USW 0627 PUS)

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a reply brief in response to the Examiner's answer mailed on March 24, 2006 for this application.

Appellants' invention provides an inexpensive alternative for call queuing by queuing calls at an intelligent peripheral within an advanced intelligent network (AIN) telecommunication system. Claims 1 and 4-28 are the subject of this appeal.

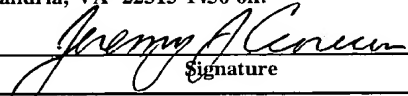
Regarding the rejection of claims 1, 4-10, and 21-28 under 35 U.S.C. 103(a) over Weisser (U.S. Patent No. 5,600,710) in view of Knoerle (U.S. Patent No. 6,597,780) and in further view of Watts (U.S. Patent No. 5,668,861), there is no suggestion to combine these references to achieve the claimed invention. According to the invention, a call to a subscriber,

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if the subscriber line is busy, is forwarded to an intelligent peripheral within an advanced intelligent network (AIN) telecommunication system. The call to the subscriber is queued in the intelligent peripheral, and the intelligent peripheral calls the subscriber line to determine if the subscriber line is still busy. The call queued at the intelligent peripheral is connected to the subscriber line upon the determination that the subscriber line is no longer busy. That is, calls are queued in an intelligent peripheral using call forwarding and then calls from the intelligent peripheral to the subscriber line are used to determine when the line is no longer busy.

In the Examiner's answer, in response to Appellants' statements in the appeal brief, the Examiner clarifies that Watts is being applied because Watts teaches that the intelligent peripheral is capable of initiating a call.

The fact that an intelligent peripheral may be capable of initiating a call does not overcome the shortcomings of Weisser and Knoerle. The claimed invention involves a specific approach for call queuing involving an intelligent peripheral, call forwarding on busy line, and making calls to the subscriber line with the intelligent peripheral to make a determination as to when the line is no longer busy. Just because Watts may suggest that it is possible for a peripheral to initiate a call, this does not mean that the claimed invention is obvious. After all, Watts is really about a notification and hold service that provides a callback to the calling party. There is no suggestion in Watts to use the intelligent peripheral in the way that it is used in the claimed invention, let alone any suggestion to modify Weisser and Knoerle to incorporate such a feature.

In addition, the Examiner states, in the Examiner's answer, that the feature of making the determination (whether the subscriber line is still busy) by making a call to the subscriber's line is extremely old and obvious and makes reference to Examiner's Exhibit A. The fact that automatic redial systems are known does not suggest the particular arrangements claimed by Appellants. The Examiner seems to suggest that all ways of determining that a subscriber line is available are equivalent. Appellants disagree. Further, the claimed invention

is not just about monitoring the subscriber line, the claimed invention is about specific combinations of features that provide a novel and non-obvious call queuing approach.

Regarding the rejection of claims 11-20 under 35 U.S.C. 103(a) over Weisser and Knoerle, these claims require an intelligent peripheral to place a busy check call to the subscriber line. As mentioned above, this feature in the claimed combinations is not suggested by the prior art.

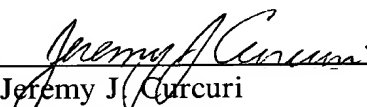
Finally, with regard to the rejection of claims 1, 4-10, and 21-28 under the judicially created doctrine of obviousness-type double patenting, Appellants maintain that these claims are patentably distinct from Marks. The claimed invention includes an intelligent peripheral that determines if a subscriber line is busy by placing a call to the subscriber line, and the recited combinations including this feature are not obvious over Marks.

Claims 1 and 4-28 are believed to be patentable, and consideration and entry of this reply brief are respectfully requested.

Respectfully submitted,

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